

### REMARKS

This is in response to the Office Action mailed on October 11, 2005.

Reconsideration of this application is respectfully requested.

#### Request for Consideration of Withdrawn Claims

Applicants respectfully request consideration of the withdrawn claims in this application. As discussed below, pending independent Claim 1 is allowable over the prior art of record. Because the withdrawn claims are (1) claims to additional species that are written in dependent form and/or (2) claims that otherwise include the limitations of allowable Claim 1, Applicants submit that the withdrawn claims should be considered in this application pursuant to 37 C.F.R. 1.141.

#### Priority Claim

As requested in the Office Action, Applicants have amended the priority paragraph of the specification to include the patent number of the parent application.

#### Prior Art Rejection

The Office Action rejected Claims 1-3, 7, 8, 11-18 and 40 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,681,285 to Ford et al. ("the Ford patent"). This rejection is respectfully traversed.

Claim 1 requires, *inter alia*, "a control unit comprising one or more devices for controlling a fluid injection." The Ford patent discloses a personal computer 80 for electronically loading a customized drug library and supplemental configuration data into

the infusion pump 10. (Col. 10, lines 64-67 to Col. 11, line 1.) Further, the pump 10 can download pump events to the personal computer 80 to allow clinicians to perform automated record keeping relative to drug infusion history for a specific patient, and to collect pump utilization information. (Col. 6, lines 48-52.) The Ford patent explains that “[a] significant advantage of the present invention is that it enables clinicians to easily customize their drug infusion pumps by electronically injecting customized drug libraries and configuration data into them.” (Col. 6, lines 23-29.)

Thus, the Ford patent merely discloses and describes that the PC 80 can be connected to the pump 10 to (1) update the drug libraries and configuration information in the pump 10 and to (2) download pump events from the pump 10 for patient drug infusion history and pump usage information.

The Ford patent does not disclose or suggest that the PC 80 is a control unit that includes one or more devices for controlling a fluid injection, as is specified in Claim 1. Rather, the Ford patent discloses that the control devices for the pump 10 are included within the pump 10 itself, and not the PC 80. Specifically, the Ford patent discloses that the pump 10 includes a drive control system using pulse-width modulation, a DC gear motor, motor drive circuitry, a proportional integral-differential control algorithm, a master microprocessor 40, and a slave microprocessor 42. (Col. 8, lines 50-67.) Further, the Ford patent discloses that “[m]aster processor 40 is primarily dedicated to operating the pump motor through a motor control module 53.” (Col. 9, lines 1-3.) Clearly, the Ford patent discloses that the control unit for the pump 10 resides within the pump 10 itself, and not within the PC 80. There appears to be no disclosure or teaching in the Ford

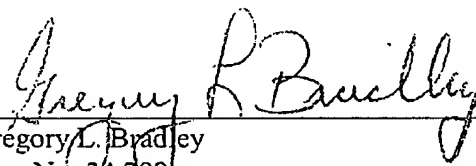
patent that the PC 80 is a "control unit" for "controlling a fluid injection," as required by Claim 1.

For at least the reasons presented above, Applicants submit that the Ford patent does not disclose each and every element of Claim 1 or the claims dependent thereon, and that the rejection based thereon should be withdrawn.

In view of the above amendments and remarks, Applicants submit that the pending and withdrawn claims are in condition for allowance in this application. Applicants respectfully request that the Examiner withdraw the rejections of the claims and indicate the allowability of the pending and withdrawn claims.

Respectfully submitted,

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Gregory L. Bradley  
Reg. No. 34,209

Medrad, Inc.  
One Medrad Drive  
Indianola, PA 15051  
Telephone: (412) 767-2400 x3021

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to TC 3700 of the Patent and Trademark Office (Fax No. 571-273-8300) on January 10, 2006.

Dawn M. Dedola

